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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,195	12/20/2001	Daniel Tunkelang	0109878.00125US1	9651
23483 7590 10/11/2007 WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109			EXAMINER LE, MIRANDA	
			ART UNIT 2167	PAPER NUMBER
			NOTIFICATION DATE 10/11/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/027,195

Applicant(s)

TUNKELANG, DANIEL

Examiner

Miranda Le

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

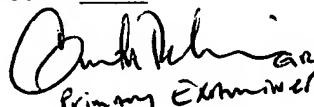
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-39.
Claim(s) withdrawn from consideration: 40 and 41.


AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


AMANDA ROBINSON
Primary Examiner
Art Unit 2168


Miranda Le
October 04, 2007

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection.

1. Regarding Claim 1:

The number of items.

Wen teaches wherein a higher number of items associated with all of the properties in the third set of properties indicates a greater distance between the query and the item and a lower number of items (i.e. $KN(p, q)$ is the number of common keywords in two queries, col. 5, lines 20-35) associated with all of the properties in the third set of properties indicates a smaller distance between the query and the item (See Formula [1], col. 5, lines 20-35).

The "distance between the query and the item" limitation is taught by Wen (See col. 5, lines 20-35) as:

The distance equates to Similarity of p and q in Formula I of Wen;

The query equates to query p of Wen;

Item equates to query q of Wen;

Wen discloses an example of p and q as:

Query p = {History, China}, p has two properties as History and China.

Query q = {History, United States}, q has two properties as History and United States.

Then, the third set of properties of the claim invention equates to the set S of common properties, e.g. History, as $S = \{\text{History}\}$.

The number of items associated with all the properties in S is One, this is the number of common keywords in two queries of

Wen.

Therefore, the number of items of the claim invention equates to the number of common keywords.

It should be noted that, an item of the claim invention corresponds to a set of properties, therefore, a set of properties should correspond to an item, hence, a common keywords of Wen could be interpreted as an item of the claim invention. For example, a query of Wen (or an item of the claim) could contain of one properties as History, therefore, History property or common keyword of Wen corresponds to an item of the claim invention.

As such, the number of common keyword of Wen equates to the number of items of the claim invention.

2. Regarding Claim 31:

(i) a higher number of items associated with all of the properties with which the two items are commonly associated indicates a lesser degree of commonality

(ii) and a lower number of items associated with all of the properties with which the two items are commonly associated indicates a greater degree of commonality

Wen teaches a higher number of items associated with all of the properties with which the two items are commonly associated indicates a lesser degree of commonality and a lower number of items associated with all of the properties with which the two items are commonly associated indicates a greater degree of commonality (i.e. This conceptual distance is determined as follows: the lower the common parent node two documents have, the shorter the conceptual distance between the two documents, col. 7, lines 46-67); and Interpretation for the limitation (i):

(i) a higher number of items associated with all of the properties with which the two items are commonly associated indicates a lesser degree of commonality

A higher number of items of the claim invention equates to number of categories belonging to a node level of Wen or the lower the common parent, e.g. first level of Wen is a root, and the second level contains 9 categories.

The two items of the claim invention equates to two documents of Wen.

The common properties of the claim invention equates to the common parent node of Wen.

A lesser degree of commonality of the claim invention equates to the shorter the conceptual distance of Wen

Therefore, Wen teaches this limitation (i) at col. 7, lines 46-67 as:

a higher number of items (i.e. 9 categories corresponds to the second level, lower the common parent node) associated with all of the properties with which the two items (i.e. two documents) are commonly associated indicates a lesser degree of commonality (i.e. the shorter the conceptual distance).

Under similar rationale as provided in (i), the same reasoning would be applicable to (ii).

The knowledge that is within the level of one of ordinary skill is clearly explained for the Applicant's convenience. The Examiner believes that the Applicants have failed to determine the level of ordinary skill as taught by the prior arts.

3. Applicants argues that the number of items in the collection that share the common properties, i.e. the frequency of occurrence of the combination of the common properties in the collection, however, it is noted that The frequency of occurrence is not recited in the claim invention.

Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. Applicants are reminded

that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claimed as explained below. The Examiner is not limited to Applicants' definition which is not specifically set forth in the claims. Applicant should amend the claim to better reflect the intended scope of the claim.